



DA 1642  
Tm

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**NOTICE OF APPEAL**

Docket Number:  
12013/58002

Application Number  
09/915,853

Filing Date  
July 26, 2001

Examiner  
Christopher H.  
Yaen

Art Unit  
1642

Invention Title

THERAPEUTIC ANGIOGENESIS BY BONE  
MARROW-DERIVED CELL TRANSPLANTATION IN  
MYOCARDIAL ISCHEMIC TISSUE AND  
SKELETAL MUSCLE ISCHEMIC TISSUE

Inventor(s)  
Takafumi Ueno et al.

Address to:  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: June 4, 2004

Signature: Elizaveta M. Wiedenroth

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner made in the Final Office Action dated April 6, 2004, finally rejecting claims 2, 5, 7, 9-11, 13-15, 18, 20, 22, 24, 28-29, 31, 33, 38, 40-41, and 43.

The Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.191 Notice of Appeal fee of **\$330.00** to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**:

- A. Any additional filing fees required under 37 C.F.R. § 1.16;
- B. Any additional patent application processing fees under 37 C.F.R. § 1.17;
- C. Any additional patent issue fees under 37 C.F.R. § 1.18;
- D. Any additional document supply fees under 37 C.F.R. § 1.19;
- E. Any additional post-patent processing fees under 37 C.F.R. § 1.20; or
- F. Any additional miscellaneous fees under 37 C.F.R. § 1.21.

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A copy of this letter is enclosed.

Dated: June 4, 2004

By: Elizabeth M. Wieckowski  
Elizabeth M. Wieckowski  
(Reg. No. 42,226)

KENYON & KENYON  
One Broadway  
New York, N.Y. 10004  
(212) 425-7200 (telephone)  
(212) 425-5288 (facsimile)